

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

BELLEZA FRUIT, INC.,

Plaintiff,

v.

SUFFOLK BANANA CO., INC., LONG ISLAND  
BANANA CORP., LONG ISLAND BANANA, and  
THOMAS HOEY, JR.,

Defendants.

-----X Case No.: 12-CV-3033  
(SJF)(WDW))

**DEFENDANTS' FIRST  
NOTICE OF MOTION  
IN LIMINE**

MOTION BY:

Defendants Suffolk Banana Co., Inc., Long  
Island Banana Corp., Long Island Banana,  
and Thomas Hoey, Jr.,

PLACE, TIME & DATE  
OF HEARING:

Judge Sandra J. Feuerstein  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722-4438  
**9:30 a.m., February 7, 2013**

RELIEF SOUGHT:

Order precluding the Plaintiff from offering  
before the Court at trial any exhibits,  
testimony and/or argument concerning  
whether the plaintiff is entitled to assert a  
PACA trust claim during the period of time  
it was unlicensed.

PAPERS IN SUPPORT OF MOTION:

Declaration of Robert P. Lynn, Jr., Esq.,  
dated February 5, 2013, and exhibits.

DATE OF NOTICE OF MOTION:

February 5, 2013

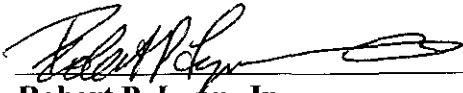
NOTICE OF MOTION ADDRESSED TO:

Laura M. Dilimentin, Esq.  
LAWRENCE AND WALSH, P.C.  
*Attorneys for Plaintiff Belleza Fruit, Inc.*  
215 Hilton Avenue  
Hempstead, New York 11551

NOTICE OF MOTION SERVED BY:

**LYNN, GARTNER, DUNNE,  
& COVELLO, LLP**

*Attorneys for Defendants Suffolk Banana  
Co., Inc., Long Island Banana Corp., Long  
Island Banana, and Thomas Hoey, Jr.,*

By:   
**Robert P. Lynn, Jr.**

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